

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING

OF

TUESDAY, MARCH 22, 1983

AT 8:30 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Cleator at 9:23 a.m. The meeting was recessed by Deputy Mayor Cleator at 9:30 a.m. to convene as the Redevelopment Agency. The meeting was reconvened by Deputy Mayor Cleator at 9:38 a.m. with all members of the Council present. Deputy Mayor Cleator adjourned the meeting at 10:54 a.m. into closed session in the twelfth floor conference room regarding meet and confer.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant.
  - (1) Council Member Mitchell-present.
  - (2) Council Member Cleator-present.
  - (3) District 3-vacant.
  - (4) Council Member Jones-present.
  - (5) Council Member Struiksma-present.
  - (6) Council Member Gotch-present.
  - (7) Council Member Murphy-present.
  - (8) Council Member Martinez-present.
- Clerk-Mutascio (mp a.m.)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Mutascio called the roll:

Mayor-vacant.

Council Member Mitchell-present.

Council Member Cleator-present.

District 3-vacant.

Council Member Jones-present.

Council Member Struiksma-present.

Council Member Gotch-present.

Council Member Murphy-present.

Council Member Martinez-present.

ITEM-204: (R-83-1120) ADOPTED AS RESOLUTION R-258131

(Continued from the meetings of January 3, 1983 and February

7, 1983; last continued at Council Member Mitchell's request.)

Authorizing the use of City Forces to perform all the work to install street lighting systems on Pomerado Road and Rios Road, Pomerado Road south of Rancho Bernardo Road, Sintonte Drive north of Ranch House Road, Bernardo Oaks Drive northeast of Francisco Drive, La Jolla Scenic Drive South and Soledad Mountain Road, La Jolla Shores Drive and La Jolla Shores Lane, pursuant to the recommendation of the City Manager and submission of estimates by him indicating that said work can be done by the City Forces more economically than if let by contract; cost of said work shall not exceed \$22,500; authorizing the expenditure of \$22,500 from Capital Outlay Fund 30245, CIP-52-293, Installation of City-owned Street Lights, for the above purpose.

(La Jolla and Rancho Bernardo Community Areas. District-1.)

**CITY MANAGER REPORT:**

The proposed project will install City-owned safety street lights in areas with underground utilities that do not have sufficient street lights to satisfy current minimum City lighting standards including but not limited to the following locations: Pomerado Road and Rios Road; Pomerado Road south of Rancho Bernardo Road; Sintonte Drive north of Ranch House Road; Bernardo Oaks Drive northeast of Francisco Drive; La Jolla Scenic Drive South and Soledad Mountain Road; and La Jolla Shores Drive and La Jolla Shores Lane. This relatively small project is scattered over a wide area of the City and can be done more economically by use of City Forces. All of the street lights to be installed will be low pressure sodium in accordance with Council direction.

**FILE LOCATION:**

MEET

**COUNCIL ACTION:** (Tape location: B268-306).

**MOTION BY MARTINEZ TO ADOPT.** Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, District 3-vacant, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

**ITEM-310: (R-83-1393) ADOPTED AS RESOLUTION R-258132**

Authorizing suggestion awards and making a presentation to the following employees:

Jeston C. Fedeli - Treasurer's Office - \$5,000.

Leroy Murphy - Engineering and Development Department - \$3,030.

Maureen Whelan - General Services Department - \$2,500.

Paul Zielins - General Services Department - \$980.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: A013-068).

MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Mitchell-yea, Cleator-yea, District 3-vacant, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-311:

19830322

Two actions relative to authorizing suggestion awards to the following employees:

Subitem-A: (R-83-1394) ADOPTED AS RESOLUTION R-258133

James A. McQuary - General Services Department - \$395.

Richard M. Dell Orfano - Engineering and Development Department - \$255.

Douglas S. Johnson - General Services Department - \$185.

Tom W. Holt - Engineering and Development Department - \$140.

Subitem-B: (R-83-1395) ADOPTED AS RESOLUTION R-258134

Catherine M. Jagers - General Services Department - \$100.

Veronica McCune - General Services Department - \$25.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A069-089).

MOTION BY GOTCH TO ADOPT. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, District 3-vacant, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-330: CONTINUED TO APRIL 12, 1983

19830322

Five actions relative to the Alta Vista Annexation Water and Sewer System, Assessment District No. 3960, under Resolution of Intention R-257951, adopted February 14, 1983. (Municipal Improvement Act of 1913):

(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-83-1404)

Ordering changes and modifications in proceedings and assessments in an assessment district pursuant to the Municipal

Improvement Act of 1913, Division 12 of the Streets and  
Highways Code of the State of California.  
Subitem-B: (R-83-1405)

Overruling and denying protests and making certain findings  
in a special assessment district.  
Subitem-C: (R-83-1406)

Finding and determining that the public interest,  
convenience and necessity require certain acquisition and  
improvements, and that the Special Assessment Investigation,  
Limitation and Majority Protest Act of 1931 shall not apply.  
(8 votes required)  
Subitem-D: (R-83-1407)

Confirming the assessment and ordering the improvements  
made, together with appurtenances, and approving the City  
Engineer's report.  
Subitem-E: (R-83-1408)

Accepting proposal and making award of sale of bonds, and  
providing for the establishment of a redemption fund for the  
payment of said bonds.

FILE LOCATION: STRT D-2189

COUNCIL ACTION: (Tape location: A212-218).

MOTION BY JONES TO CONTINUE TO APRIL 12, 1983, AT THE CITY  
MANAGER'S REQUEST. Second by Gotch. Passed by the following vote:  
Mitchell-yea, Cleator-yea, District 3-vacant, Jones-yea,  
Struiksma-yea, Gotch-yea, Murphy- yea, Martinez-yea, Mayor-vacant.

ITEM-331: UPHELD PLANNING COMMISSION'S DECISION TO DENY R-2 ZONING.

19830322

Matter of a request for rezoning Lot 1286 of Clairemont Unit  
No. 8, Map-2889 (a 0.20 acre site), located at 4344 Gila  
Avenue, in the Clairemont Mesa Community Plan area, from Zone  
R-1-5 to Zone R-2.  
(Case-82-0642. District-6.)  
Subitem-A: (R-83-1335)

Adoption of a Resolution certifying that the information  
contained in Environmental Negative Declaration END-82-0642 has  
been completed in compliance with the California Environmental  
Quality Act of 1970 and State guidelines, and that said

declaration has been reviewed and considered by the Council.  
Subitem-B: (O-83-159)

Introduction of an Ordinance for R-2 Zoning.  
FILE LOCATION: ZONE 3/22/83  
COUNCIL ACTION: (Tape location: A220-B114).

Hearing began at 9:40 a.m. and halted at 10:14 a.m.  
Testimony in favor by Mr. and Mrs. Jim Davis.  
Testimony in opposition by Cecilia Carter-House, Merlin  
Osterhaus, Mrs. George Myers, Louis Berube, Tom Seymour, and Mary  
Chipps.

MOTION BY GOTCH TO CLOSE THE HEARING AND TO UPHOLD PLANNING  
COMMISSION'S DECISION TO DENY R-2 ZONING. Second by Struiksma.  
Passed by the following vote: Mitchell-yea, Cleator-yea, District  
3-vacant, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea,  
Martinez-yea, Mayor-vacant.

ITEM-332:

19830322

Matter of rezoning Lots 20, 21, 22 and the north half of Lot  
23, Block 9, Estudillo and Caprons Addition, Map-650  
(approximately 0.24 acres), located at 3970 and 3986 Ninth  
Avenue, in the Uptown Community Plan area, from Zone CN to Zone  
CO.

(Case-82-0730. District-2.)  
Subitem-A: (R-83-1355) ADOPTED AS RESOLUTION R-258135

Adoption of a Resolution certifying that the information  
contained in Environmental Negative Declaration END-82-0730 has  
been completed in compliance with the California Environmental  
Quality Act of 1970 and State guidelines, and that said  
declaration has been reviewed and considered by the Council.  
Subitem-B: (O-83-164) INTRODUCED, TO BE ADOPTED APRIL 4, 1983

Introduction of an Ordinance for CO Zoning.  
FILE LOCATION: ZONE 3/22/83 and ORDINANCE NO.  
COUNCIL ACTION: (Tape location: B117-135).

Hearing began at 10:15 a.m. and halted at 10:16 a.m.  
MOTION BY MARTINEZ TO CLOSE THE HEARING, ADOPT SUBITEM-A, AND  
INTRODUCE SUBITEM-B. Second by Struiksma. Passed by the following  
vote: Mitchell-yea, Cleator-yea, District 3-vacant, Jones-yea,  
Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-333: CONTINUED TO APRIL 5, 1983

(Continued from the meeting of March 1, 1983 at Paul Peterson's request.)

Matter of the appeal of Asset Deployment, Inc. by Thomas W. James, from the decision of the Planning Commission in approving Tentative Map TM-82-0374 which proposes a three-lot parcel map of portions of Acre Lots 27, 28 and 29, Sorrento Lands and Townsites, Map-483 and portions of Pueblo Lots 1322, 1323, 1326, 1327 and 1329, Map-36.

The subject property is located on the north side of Genesee Avenue, the east side of North Torrey Pines Road with frontage on Flintkote Avenue, Dunhill and Roselle Streets, in the SR, M-1A and R-1-5 Zones and within the boundaries of the Torrey Pines and University Community Plans.

(TM-82-0374. District-1.)

(R-83- )

Today's action is adoption of a resolution granting the appeal and denying the map, or denying the appeal and granting the map with appropriate findings to support Council action.

FILE LOCATION:

SUBD Acre Lots 27, 28 and 29, Sorrento Lands and Townsites

COUNCIL ACTION: (Tape location: B140-147).

MOTION BY MURPHY TO CONTINUE FOR TWO WEEKS AT THE APPELLANT'S

REQUEST. Second by Martinez. Passed by the following vote:

Mitchell-yea, Cleator-yea, District 3-vacant, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez- yea, Mayor-vacant.

ITEM-334: CONTINUED TO NO LATER THAN JUNE 30, 1983

19830322

A proposal to amend Chapter X, (Planning and Zoning Regulations) of the Municipal Code of The City of San Diego by amending Article 1, Division 4 (Multiple-Family Residential Zones) to redesignate R-2, R-2A, R-3, R-3A, R-4 and R-4C Zones to be known as the R-3000, R-1500, R-1000, R-600, R-400 and R-200 Zones, respectively and to amend regulations governing minimum yard and setback requirements.

Subitem-A: (R-83-1392)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-82-0704 has been completed in compliance with the California Environmental

Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.  
Subitem-B: (O-83-7 Rev.)

Introduction of an Ordinance amending the Municipal Code.  
Subitem-C: (O-82-127)

Introduction of an Ordinance amending the Municipal Code.  
PLANNING DIRECTOR REPORT:

The Zoning Administrator interprets the "side and rear yard requirements" of this section to mean interior side yards and rear yards. The zoning interpretation is based on the fact that a distinction was made between interior and street side yards in 1964 in most sections of the zoning regulations. The City Attorney has recently stated, however, that "side yards", when not modified, actually include interior and street side yards. Since the intent of this section is to give an exception to interior side yards only, this amendment proposes that the word "interior" be added to modify side yards in Sec. 101.0601, subsection 4 of the San Diego Municipal Code.

Van Cleave

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B148-264).

Testimony by Bob Morris.

MOTION BY MITCHELL TO CONTINUE TO NO LATER THAN JUNE 30, 1983, AND THAT THE PLANNING DEPARTMENT BRING BACK TO THE COUNCIL A COMPREHENSIVE PACKAGE OF THE THREE PHASES REQUIRING ACTION.

Second

by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, District 3-vacant, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-S404: (O-83-46 Rev.) INTRODUCED, TO BE ADOPTED APRIL 4, 1983

(Continued from the meeting of March 14, 1983 at the City Manager's request, for proposed amendments.)

Introduction of an Ordinance amending Chapter VI, Article 3 of the San Diego Municipal Code by amending Section 63.02.8 to prohibit glass containers used for carrying or containing any liquid for drinking purposes in City parks, except in locations where such containers are permitted under the terms of a lease, operating agreement or permit.

(See City Manager Report CMR-83-407.)

COMMITTEE ACTION: Reviewed by PFR on 1/5/83. Recommendation to introduce the Ordinance. Districts 1, 4, 6, 7 and 8 voted yea.

(First introduced on 2/28/83. Council voted 6-0. Districts 1 and 5 not present. Mayor vacant.)

NOTE: Since its introduction, the ordinance has been amended and is now being re-introduced.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: B308-C065).

MOTION BY GOTCH TO INTRODUCE THE ORDINANCE AND TO REQUEST THAT

THE CITY MANAGER PRESENT TO THE COUNCIL A REVIEW OF THE ORDINANCE

AFTER ONE YEAR OF OPERATION, WITH AN INTERIM REVIEW AT THE END OF

SUMMER. Second by Murphy. Passed by the following vote: Mitchell-nay, Cleator-yea, District 3-vacant, Jones-yea, Struiksmay-nay, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ADJOURNMENT:

By common consent, the meeting was adjourned by Deputy Mayor Cleator at 10:54 a.m. into closed session in the twelfth floor conference room regarding meet and confer.

FILE LOCATION:

MINUTES

COUNCIL ACTION: (Tape location: C066).